REMARKS

Entry of the foregoing and favorable reconsideration and reexamination of the subject application, as amended, pursuant to and consistent with 37 C.F.R. Section 1.112, and in light of the remarks which follow, are respectfully requested. This amendment is in response to the official action dated October 3, 2005.

By the present amendment, the specification has been amended to delete the incorporation by reference to French Application No. 01/00764. The abstract has been amended to delete the phrase "No figure published." Claims 1 and 18 have been amended to correct grammatical or typographical errors. Claims 26 to 28 have been canceled. Claims 31 and 32 have been added. Support for claim 32 appears at least in the paragraphs bridging [0001] and [0013] and in the Examples. Applicant submits that no new matter has been added via this amendment.

The abstract and specification were objected to in the official action. The abstract and specification has been amended according the Examiner's suggestions on pages 3 and 4 of the official action as set forth above. Therefore, withdrawal of these objections is respectfully requested.

Claim 18 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 18 has been amended as suggested by the Examiner on page 4 of the official action, which should render this rejection now moot. Therefore, withdrawal of this rejection is respectfully requested.

Prior to specifically addressing the rejections over prior art references, applicant would like to briefly discuss the present invention. The present invention relates to a method of analyzing or separating protein components from a clinical sample by using an alkaline pH, free solution capillary method. This method comprises introducing the clinical sample into a capillary tube containing a buffer system. The buffer system

comprises a biological buffer with a pKa at 25°C in the range 8.8 to 10.7 and is selected from 2-amino-2-methyl-1,3-propanediol (AMPD), N-tris(hydroxymethyl)methyl-4-aminobutanesulphonic acid (TABS), 3-[(1,1-dimethyl-2-hydroxyethyl)amino]-hydroxypropanesulphonic acid (AMPSO), 2-(N-cyclohexylamino)ethanesulphonic acid (CHES), 3-(cyclohexylamino)-2-hydroxy-1-propanesulphonic acid (CAPSO), 2-amino-2-methyl-1-propanol (AMP), 3-cyclohexylamino-1-propanesulphonic acid (CAPS) and 4-(cyclohexylamino)-1-butanesulphonic acid (CABS). Additionally, the buffer system includes at least one additive that increases the ionic strength of the buffer system. This method may be used for analyzing or separating serum protein constituents from albumin, a_1-globulin, a_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin.

In the past and as illustrated in some of the prior art currently of record, borate buffers were used to separate human plasma proteins using capillary electrophoresis. However, borate buffers posed problems since such buffers complexed with glycoproteins, causing the migration of monoclonal proteins with the normal protein fractions. Thus, the normal protein fractions masked certain monoclonal protein peaks. This was especially true of the IgM kappa type monoclonal proteins, whose peaks migrate with the beta-2 fraction when a borate buffer is used. Hence, the present invention solves this problem by using a buffer system without borate.

Furthermore, by using the method and buffer system of the present invention, the peaks of the plasma proteins are more distinct and are clearly separated from the other protein fractions.

Turning now to the official action, Claims 26 and 27 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al (U.S. Patent 5,599,433). Claims 26 and 27 have been canceled, which should render this rejection now moot.

Accordingly, withdrawal of this § 103(a) rejection is proper and respectfully requested.

Claims 1, 3, 8 to 11, 16 to 19 and 21 to 28 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al. (U.S. Patent 5,599,433) in view of Lehninger I (Principles of Biochemistry pp. 706-707 (1982) and Lau (U.S. Patent 5,194,390). For the following reasons, however, this rejection is respectfully traversed.

Keo et al. disclose a capillary electrophoresis method to separate glycated hemoglobins or glycohemoglobins. Keo et al. fail to disclose or suggest the use of their buffer composition in any other clinical analysis. Indeed, the only analysis that Keo et al. disclose is for the analysis of glycoproteins and specifically, for glycohemoglobins. There is simply no suggestion that their buffer system can be used for any other protein analysis using capillary electrophoresis.

Indeed, Keo et al. is strictly limited to using the buffer system for facilitating the separation of glycoproteins such as Hb A1c from other sample constituents, as clearly indicated at column 5, lines 18 to 21, where the following is stated:

> The buffer of the present invention has at least four elements that facilitate the separation of glycoproteins such as Hb A1c from other sample constituents, These include water, a sugar complexing compound, a zwitterionic compound that has a pKa of from about 9 to about 12 and a base compound for adjusting the pH.

Therefore, it would be clear to the skilled artisan from the above paragraph that there is only one application for the buffer system described in Keo et al.; *i.e.*, to separate Hb A1c from the other proteins in the sample.

However, the technique and buffer system in the present invention is tailored to analyzing or separating protein constituents selected from albumin, a_1-globulin, a_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin.

Moreover, Applicant submits that the reliance of the Patent Office on the proposition that the clinical samples in Keo et al. inherently contain albumin or α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin as support for this rejection is misguided. Even if a clinical sample in Keo et al. contains the proteins that are separated by the present invention, there is no disclosure or suggestion that Keo et al.'s method separates are even would be able to separate such proteins.

In particular, the present invention's technique results in the visualization of five peaks in the electropherogram at 10 minutes after applying an electric field. There are no such peaks in any of the figures of Keo et al.

Furthermore, Keo et al. disclose at column 8, lines 51 to 53, that they used a separation voltage of 185 V/cm and that the separation time was 40 minutes. The detection was carried out at 415 nm. There is no suggestion in Keo et al. to alter these parameters to obtain a different result for any other protein analysis. In contrast, in the present invention, detection was carried out at 200 nm using an electric field of about 400 V/cm for 10 minutes. These different parameters resulted in electropherogram results different from the results in Keo et al.

Thus, it can be said that the method described in Keo et al. does not even inherently separate the presently claimed proteins of albumin or α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin. Arguably, such a separation is not possible under the parameters of Keo et al.'s method. The fact that Keo et al.'s parameters differ from the

present invention's parameters also supports the notion that this sort of separation was not intended in Keo et al.

Furthermore, as established at column 5, lines 45 to 48 of Keo et al., the sugar complexing agent borate is the agent of choice and must be present in the buffer since:

> In addition to providing sufficient buffering capacity and low conductivity, borates form complexes with sugar residues on glycoproteins… Consequently, the electrophoretic mobility of the glycoprotein is modified, eluting as a later peak than the unmodified protein counterpart.

Without borate, there would not be a later peak and hence there would be no discrepancy versus the unmodified protein counterparts. In other words, according to Keo et al., the separation of the Hb A1c would not be possible without borate in the separation buffer.

In contrast, the present invention does not use borate in the buffering system, but rather avoids the use thereof for the reasons set forth above and in the background of the invention.

As illustrated in the Patent Office's reliance on the assertion that Keo et al.'s clinical samples inherently contain albumin or α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin as support for this rejection, the Patent Office apparently has taken the position that because a clinical sample in Keo et al. inherently contains the proteins separated by the present invention's technique, Keo et al.'s method would also inherently be able to separate those proteins as well. However, applicant first notes that there is no evidence of record that the clinical samples of Keo et al. necessarily and always include such proteins. Moreover, inherency is a concept not compatible with an obviousness rejection. More pointedly, even if Keo et al.'s clinical samples were to contain the proteins separated by the present

invention, nothing in Keo et al. discloses or suggests that Keo et al.'s method actually separates or would be able to separate such proteins. Thus, it could not render obvious the claimed invention. Moreover, the parameters and results of Keo et al.'s method suggest that, in fact, they would not produce the results described by applicant.

Moreover, assuming arguendo that the principles of inherency apply here, this still does not render the present invention unpatentable. It is well-known that the principles of inherency do not prohibit a process patent for a new use of an old structure. See *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986). Indeed, in a recent Federal Circuit decision, *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, (Fed. Cir. 2005), the Federal Circuit held that claims for a method of treating sunburned skin to be patentable over a prior art patent directed to cosmetic compositions for topical applications, even though the compositions included various ingredients in concentrations claimed in the patent-in-suit, because the claims recited a new use for a composition disclosed in a prior art patent. Likewise, even if the present invention's method disclosed the exact buffer system disclosed in Keo et al., (which they do not) this would still not render the present method unpatentable. In this instance, the present method is directed to a method of analyzing and separating serum proteins, and in particular, albumin or α_1-globulin, α_2-globulin, ß-$_1$ globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin. Keo et al. makes no mention of use of its buffer system to separate such proteins. Indeed, Keo et al. mentions only one specific protein, *i.e.*, hemoglobin, for separation in their method. Additionally, as explained above, Keo et al's parameters are set-up specifically for separating a hemoglobin protein and differ from the present invention's parameters, which are tuned for separating the above serum proteins. Even Keo et al.'s use

of borate as an additive, while the present invention generally excludes borate, is an indication that the Keo et al. method is for separating proteins different than the proteins separated by the present invention. Furthermore, Keo et al.'s electropherogram results show a separation profile different than the electropherogram results of the present invention. These differences not only support the notion that Keo et al.'s method, unlike the present method, does not and is not able to separate the above serum proteins, but also show that Keo et al.'s method is directed to a different purpose or use, namely, the analysis of hemoglobin proteins, than the present invention's purpose or use, which is the analysis of these serum proteins.

Lehninger I and Lau have been reviewed, but do not remedy the above-noted deficiencies in Keo et al.

In particular, Lehninger I discloses that blood plasma consists of 90% water and 10% dissolved matter and that over 70% of the plasma solids is contributed to plasma proteins. However, Lehninger I fails to disclose anything about capillary electrophoresis or analysis of clinical samples. Also, as discussed above, the mere fact that Keo et al.'s clinical samples may have contained the serum proteins separated by the method of the present invention does not render the present method obvious.

Meanwhile, Lau discloses a method and composition for the assay of albumin at an essentially neutral to an alkaline pH. This method uses indicator dyes that, when sufficiently buffered in a pH range of 6 to 8, allows the detection of albumin in urine or serum. However, Lau does not disclose anything about capillary electrophoresis.

The combination of references fail to disclose the presently claimed invention since none of these references teach or even suggest a method for analyzing or separating a clinical

sample comprising protein constituents selected from albumin, α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin. Moreover, none of the cited references discloses a buffer system for use in capillary electrophoresis that does not contain borate (see, Claim 32). Furthermore, none of the combined references suggest modifying their buffer system to exclude borate. Rather, as exemplified in Keo et al., borate is deemed to have a major role in eluting glycoproteins as a later peak than the unmodified protein counterpart.

As stated in *Sibia Neurosciences Inc. V. Cadus Pharmaceutical Corp.*, 225 F.3d 1349 (Fed. Cir. 2000):

> To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations MPEP§ 2142. In addition, if a reference needs to be modified to achieve the claimed invention "there must be a showing of a suggestion or motivation to modify the teachings of that reference to the claimed invention in order to support the obviousness conclusion."

Since none of the references suggest to modify the teachings to attain the features of the presently claimed invention, this rejection cannot be maintained.

Therefore, in view of the above, withdrawal of this § 103(a) rejection is respectfully requested.

Claim 2 has been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al. (U.S. Patent 5,599,433) in view of Lehninger I (Principles of Biochemistry pp. 706-707 (1982) and Lau (U.S. Patent 5,194,390) and further in view of Krylov et al., "Capillary Electrophoresis for the Analysis of Biopolymers," Anal. Chem. Pages 111R-128R (2000). For the following reasons, however, this rejection is respectfully traversed.

Keo et al., Lehninger I and Lau were discussed above. The same arguments are incorporated herein by reference. More specifically, the primary reference of Keo et al. does not disclose or suggest using a method to detect albumin or α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin in a clinical sample using capillary electrophoresis. Nor does the method of Keo et al. inherently separate these proteins. Keo et al. requires borate in their buffer, while the present invention lacks borate in the buffer system.

The secondary references of Lehninger I and Lau do not remedy the deficiencies of the primary reference since neither reference discloses a method for analyzing or separating from a clinical sample the serum proteins set forth above using capillary electrophoresis.

Krylov et al. also does not remedy the deficiencies of the primary reference, Keo et al. This reference merely discloses a review article concerning capillary electrophoresis for the analysis of biopolymers. There are 27 different publications that are disclosed in this reference for capillary zone electrophoresis (CZE) protein separation (See Table 1). Amongst them, two publications recite that these human proteins can be analyzed via capillary electrophoresis at UV wavelength, using a borate buffer, which is not used in the present invention.

Therefore, although it teaches the use of capillary electrophoresis, Krylov et al., even if combined with Keo et al., Lehninger I and Lau, does not remedy the deficiencies of Keo et al. for at least the reason that it also does not disclose a method for analyzing or separating from a clinical sample the serum proteins set forth above.

Additionally, Claim 2 further limits the separation of the serum proteins through migration and detection. In this regard, although Krylov et al. discloses the detection of proteins, there is no motivation or suggestion to combine Krylov et al.

with Keo et al. Specifically, there is no motivation for one skilled in the art to use the buffer in Keo et al. in the procedure of Krylov et al., as the Patent Office claims, since neither reference provides a person skilled in the art with the incentive to do so. Indeed, at column 6 of Keo et al., the reason for using CAPS in the buffer system is clearly stated as follows:

> A concomitant increase in the resolution of **hemoglobin A1c from other hemoglobin variants** occurs when the present invention's buffer includes CAPS in an amount of about 10 mM to 100 mM and preferably about 50 mM to 150 mM. (emphasis added).

Thus, a person skilled in the art would interpret this disclosure in Keo et al. as being that CAPS separates Hb A1c from other hemoglobins. Since there is absolutely no teaching or suggestion in Keo et al. that their CAPS buffer is useful to separate other proteins using capillary electrophoresis, there is no reason to combine the use of Keo et al.'s buffer with a different capillary electrophoresis technique, such as the ones disclosed in Krylov et al.

For all the above reasons, this rejection cannot be maintained, and withdrawal of this § 103(a) rejection is respectfully requested.

Claims 12 to 14 and 30 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al. (U.S. Patent 5,599,433) in view of Lehninger I (Principles of Biochemistry pp. 706-707 (1982) and Lau (U.S. Patent 5,194,390) and further in view of Swank et al. (U.S. Patent 4,810,657). For the following reasons, however, this rejection is respectfully traversed.

Keo et al, Lehninger I and Lau were all discussed extensively above. The same arguments are incorporated herein by reference in this rejection to avoid repetition.

Swank et al. discloses a method for diagnosing a disease by using streaming potential values on blood plasma samples. More specifically, the streaming potential is developed between two electrodes and is measured with a voltmeter. This reference is not at all related to capillary electrophoresis. The sole reason why the Examiner uses this reference is a single sentence demonstrating that blood plasma contains sodium chloride. Thus, the Examiner concludes that if plasma is in the clinical sample in the method of Keo et al., that sodium chloride is also present.

Therefore, Swank et al., even if combined with Keo et al., Lehninger I and Lau, does not remedy the deficiencies of the Keo et al. for at least the reason that it also does not disclose a method for analyzing or separating from a clinical sample the serum proteins set forth above.

Additionally, Claims 12-14 and 16 are directed to additives (or their properties) and not to a substance already present in the clinical sample. By definition, an additive is a substance added to improve something. A substance already present in the clinical sample, such as sodium chloride in plasma, cannot be considered an additive since it is not added to the sample to be analyzed. Additionally, Claim 12 is directed to an alkali metal salt additive, which is not the same as sodium chloride although both are salts.

Thus, even if combined with Keo et al., Lehninger I and Lau, Swank et al. does not disclose or suggest the additive properties in Claims 12-14 and 16.

Thus, in view of the above, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 12 to 15 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al. (U.S. Patent 5,599,433) in view of Lehninger I (Principles of Biochemistry pp. 706-707 (1982) and Lau (U.S. Patent 5,194,390), and further in view of Lehninger II (Principles of Biochemistry, p. 703 (1982). For the following reasons, however, this rejection is respectfully traversed.

Keo et al, Lehninger I and Lau were all discussed extensively above. The same arguments are incorporated by reference in this rejection to avoid repetition.

Lehninger II is a sole page from a Chapter titled: "Digestion Transport and Integration of Metabolism." The reference discusses the fact that the kidneys use ATP to do osmotic work. The Examiner uses this reference to deem that sodium sulfate is found in urine and thus, when performing Keo et al.'s capillary electrophoresis using urine, sodium sulfate will be introduced into its buffer. However, Lehninger II does not disclose anything about capillary electrophoresis or the analysis of clinical samples.

Therefore, Lehninger II, even if combined with Keo et al., Lehninger I and Lau, does not remedy the deficiencies of Keo et al. for at least the reason that it also does not disclose a method for analyzing or separating from a clinical sample the serum proteins set forth above.

Additionally, Claims 12-15 are directed to additives (or their properties) and not to a substance already present in the clinical sample. As explained above, an additive is a substance added to improve something. A substance already present in the clinical sample, such as urine or sodium sulfate in urine, cannot be considered an additive since it is not added to the sample to be analyzed.

Thus, even if combined with Keo et al., Lehninger I and Lau, Lehninger II does not disclose or suggest the additive properties in Claims 12-15.

In view of the above, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 1, 3, 8-14, 16 to 28 and 30 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al. (U.S. Patent 5,599,433) in view of Lehninger I (Principles of Biochemistry pp. 706-707 (1982) and Lau (U.S. Patent 5,194,390), and further in view of Jones et al. (U.S. Patent 5,366,601). For the following reasons, this rejection is respectfully traversed.

As set forth on page 11 of the official action, which provides the reasons for the Patent Office's reliance on Jones et al. for the rejection, applicant believes that the rejection only applies to Claims 12-14 and 20. Therefore, applicant's following remarks are in accord with this belief.

Keo et al., Lehninger I and Lau were all discussed extensively above. The same arguments are incorporated in this rejection to avoid repetition.

Jones et al. disclose a method for separating and detecting anions by capillary electrophoresis in which the capillary is immersed in a carrier electrolyte containing a salt of molybdate, tungstate, ferrocyanide, iodide, bromide or dichromate, after introducing the sample into the capillary. The Examiner uses this reference to demonstrate the use of sodium octanesulphonate used in a buffer as an electromigration agent. However, this reference states that octanesulphonates can be used as additives for electromigrative trace enrichment with the UV-absorbing anions in the carrier analyte. Jones et al. does not disclose that octanesulphonates can be used in a process other than with ionic molecules. There is simply no suggestion in this patent that octanesulphonate can be used in any method of capillary electrophoresis. Additionally, there is

no suggestion that an octanesulfonate can be used as an additive in a migration system to improve the separation of albumin, α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin during the separation process.

Therefore, although it teaches the use of capillary electrophoresis, Jones et al., even if combined with Keo et al., Lehninger I and Lau, does not remedy the deficiencies of Keo et al. for at least the reason that it also does not disclose a method for analyzing or separating from a clinical sample the serum proteins set forth above.

Additionally, Claims 12-14 and 16 are directed to additives or additive properties. In this instance, although Jones et al. discloses octanesulphonate as an additive for electromigrative trace enrichment, as explained above, there is no disclosure or suggestion for the use of octanesulfonate in capillary electrophoresis. Moreover, there is no disclosure or suggestion that octanesulfonate can be used as an additive in a migration system to improve the separation of albumin, α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin. Therefore, there is no motivation to use the Jones et al.'s octanesulfonate in either Keo's capillary electrophoresis method or for the separation of the serum proteins separated by the present invention's method.

Thus, the combination of references fails to render the claims in this rejection obvious since none of the references suggest to modify their teachings in such a manner to arrive at the presently claimed invention. As stated above in *Sibia Neurosciences Inc. V. Cadus Pharmaceutical Corp.*, 225 F.3d 1349 (Fed. Cir. 2000), a suggestion for modifying the teachings of the references to arrive at the claimed invention is necessary to conclude that the claims are obvious. Without such a suggestion, this rejection cannot be maintained.

In view of the foregoing, withdrawal of this § 103(a) rejection is respectfully requested.

Claim 2 has been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Keo et al. (U.S. Patent 5,599,433) in view of Lehninger I (Principles of Biochemistry pp. 706-707 (1982), Lau (U.S. Patent 5,194,390) and Jones et al., and further in view of Krylov et al., "Capillary Electrophoresis for the Analysis of Biopolymers," Anal. Chem. Pages 111R-128R (2000). For the following reasons, however, this rejection is respectfully traversed.

Keo et al, Lehninger I, Lau, Jones et al. and Krylov et al. were all discussed extensively above. The same arguments are incorporated in this rejection to avoid repetition.

Thus, as explained above, none of these references, even if combined, remedy the deficiencies of the Keo et al. for at least the reason that the combination does not disclose a method for analyzing or separating from a clinical sample the serum proteins that are separated by the present invention's method.

Additionally, Claim 2 further limits the separation of the serum proteins through migration and detection. As noted above, although Krylov et al. discloses the detection of proteins, there is no suggestion or teaching to combine the capillary electrophoresis techniques described in Krylov et al. with the CAPS buffer disclosed in Keo et al. In this regard, there is no teaching or suggestion in Keo et al. that their CAPS buffer is useful to separate other proteins, aside from its specified hemoglobin, using capillary electrophoresis. Accordingly, there is no reason to combine the use of Keo et al.'s buffer with a different capillary electrophoresis technique, such as the those techniques disclosed in Krylov et al.

As shown above, the secondary references do not remedy the deficiencies of the primary reference, Keo et al.

Therefore, in conclusion, Applicant submits that Claim 2 is not obvious over the cited prior art, and withdrawal of this § 103(a) rejection is respectfully requested.

Applicant also wishes to draw the Patent Office's attention to new Claim 31, which includes all of the recitations of current Claim 1, but also specifies that the method is for analyzing and separating serum protein constituents selected from albumin, α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin. As discussed above, Keo et al., alone or in combination with any of the other cited references, do not disclose or suggest the analyzing or separating from a clinical sample the aforementioned serum proteins namely, albumin, α_1-globulin, α_2-globulin, ß-globulin, $ß_1$-globulin, $ß_2$-globulin and γ-globulin. For at least this reason and the reasons set forth above, this claim is also believed to be allowable.

As for new Claim 32, it includes all of the recitations of current Claim 1, but also specifies that the additive used in the method is not borate. As explained above, Keo et al.'s method requires borate as an additive and Keo et al. does not disclose a different additive for use in its method. Therefore, for at least this reason and the reasons set forth above, this claim is not rendered obvious and believed to be allowable over the cited references.

Claims 1 to 3, 8 to 28 and 30 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 5, 7 to 25, 27 to 30 and 33 of copending U.S. Application No. 10/052,931.

Applicant acknowledges that this rejection is provisional and requests that this rejection be held in abeyance until one of these patent applications is allowed.

From the foregoing, favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: March 3, 2006

Respectfully submitted,

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